

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CYNTHIA A. ROBINSON,

Petitioner,

vs.

YAKIMA COUNTY DISTRICT
COURT,

Respondent.

NO. CV-07-3036-EFS

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH FILING FEE
REQUIREMENTS

In an Order on August 28, 2007 (Ct. Rec. 5), the Court directed Petitioner to either pay the \$5.00 filing fee for this habeas corpus action or to submit a motion for leave to proceed *in forma pauperis* along with the affidavit required by 28 U.S.C. § 1915 and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that she has in any institution account. See Rule 3(a)(2), Rules Governing Section 2254 Cases in the United States District Courts.

Petitioner did not comply with these requirements because the *in forma pauperis* application she submitted on September 7, 2007, specifically states that it should **not** be used if the person is

1 bringing a Petition for Writ of Habeas Corpus. Petitioner also
2 submitted a copy of her prisoner trust fund account statement; this is
3 not necessary when filing a federal habeas action.

4 In an Order on November 6, 2007 (Ct. Rec. 10), Petitioner was
5 granted an additional twenty (20) days to comply with the Court's
6 directive to either pay the \$5.00 filing fee in this action or to
7 submit the appropriate *in forma pauperis* application form. Again she
8 did not comply.

9 Having granted Petitioner two previous opportunities to comply
10 with Rule 3(a)(2), Rules Governing Section 2254 Cases in the United
11 States District Courts, **IT IS HEREBY ORDERED:**

12 1) Petitioner's request to proceed *in forma pauperis* is **DENIED**.

13 2) This action is **DISMISSED without prejudice**. Petitioner may
14 file a new action and either pay the filing fee or submit the
15 appropriate *in forma pauperis* application.

16 **IT IS SO ORDERED.** The District Court Executive is directed to
17 enter this Order, enter judgment, forward a copy to Petitioner, and
18 close the file.

19 **DATED** this 28th day of January 2008.

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21 S/ Edward F. Shea
22 EDWARD F. SHEA
23 UNITED STATES DISTRICT JUDGE
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